



LOS ANGELES FIRE DEPARTMENT

KRISTIN M. CROWLEY
FIRE CHIEF

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BOARD OF FIRE COMMISSIONERS
FILE NO. 24-020

TO: Board of Fire Commissioners

FROM:  Kristin M. Crowley, Fire Chief

SUBJECT: ARSON / COUNTER-TERRORISM SECTION HIRING PROCESS

FINAL ACTION:	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Corrections	<input type="checkbox"/> Withdrawn
	<input type="checkbox"/> Denied	<input type="checkbox"/> Received & Filed	<input type="checkbox"/> Other

SUMMARY

This report intends to give the Board of Fire Commissioners an overview of the Arson/Counter-Terrorism Section (ACTS) hiring process. The report covers the requirements to become an Arson Investigator Trainee, written and oral examinations, and outlines the background process to include a polygraph and psychological review.

RECOMMENDATION

That the Board:
Receive and File

FISCAL IMPACT

There is no fiscal impact to the Department.

DISCUSSION

The Los Angeles Fire Department's Arson/Counter-Terrorism Section (ACTS) shares responsibility for fire investigations with the Bureau of Emergency Services. This authority is granted under the Los Angeles City Charter. Established in 1918, ACTS has a stringent membership process. All investigators assigned to ACTS are peace officers under 830.37 of the California Penal Code. The process for admission is extensive and requires members to divulge personal information to unfamiliar individuals. All requirements are in place to ensure that individuals serving in a peace officer capacity possess "good moral character," as required by state and local laws.

Department Requirements

LAFD Book 53 outlines the Pay Grade Advancement Plan, which sets forth the minimum eligibility criteria. Part II of the book, titled "Special Hazard Pay Selection Plan, Arson Investigator Trainee," specifies that the selection of employees for these special pay positions will be conducted on a Department-wide basis, based on

demonstrated performance, ability, and potential. The section stipulates that selection for assignment requires that a member *“must be the Rank of Firefighter for 4 years”*. Additionally, it states that *“employees will be interviewed by a board of Department Officers; to evaluate ability, potential, and experience to determine the best-qualified member.”*

Knowledge Testing

Upon expressing interest in the position of Arson Investigator, the next step is to enroll in and successfully complete the testing process, which consists of two parts: a written exam and an oral interview. The LAFD Fire Personnel Department administers the tests. The written exam, which is the first part of the testing process, assesses the candidate's knowledge of the duties and responsibilities related to being an Arson Investigator. It is a pass/fail test that must be successfully completed for the candidate to progress to the second part of the testing process. The second part of the exam is an oral interview, which further assesses the candidate's knowledge by posing more detailed questions about the role of an investigator and the challenges they may encounter.

Certified List

The administration of the testing process for the LAFD is under the purview of its Personnel Services Section (PSS). The candidates undergo a written examination graded on a pass-or-fail basis. Candidates who pass the written examination are invited for an interview. The interview score obtained by the candidates establishes their position on the list, with the highest score being ranked at position 1. The Fire Chief certifies the list, which remains valid for two years.

Background Testing

If a position in ACTS becomes available or is expected to become available, the command staff initiates the next phase of the selection process. This phase involves a background check, a polygraph test, and a psychological evaluation, all of which are conducted by the City of Los Angeles Personnel Department. These assessments are critical because they indicate a change in roles for Arson Investigators, who must transition from being firefighters to investigators and peace officers.

As peace officers responsible for enforcing laws related to arson, ACTS Investigators must adhere to specific government codes. This is particularly important because they are authorized to arrest individuals, which deprives them of their constitutional right to freedom, and carry firearms.

To comply with California Government Code Section (CGC) 1031(d), a peace officer shall *“Be of good moral character, as determined by a thorough background investigation.”* CGC 1029 states that a peace officer must be, *“free from any disqualifications for employment, including felony convictions”* and *“fingerprinted for the purposes of search of local, state, and national fingerprint files to disclose any criminal record.”*

The City of Los Angeles Personnel Services Section determines the investigative process necessary to assess if an applicant meets the standard outlined in the Government Codes. To do this, a thorough background investigation is conducted by a City PSS background investigator and consists of the following procedures. After an applicant's background investigation, an LAFD Chief Officer reviews the information collected with the City Personnel Services Section investigating officer, to determine if the applicant meets the peace officer requirements, consistent with section 1031(d) and 1029 of the California Government Code. All personal information gathered related to an applicant shall be kept and maintained in the Peace Officer Background Section at the City of Los Angeles Personnel Department.

The background investigation consists of the following areas:

- A. Criminal Records Evaluation
- B. Personal History Questionnaire
- C. Neighborhood Check
- D. Previous Employment History Data
- E. LAFD Personnel File Evaluation
- F. Military Service (If joined the military after LAFD employment)
- G. Personal References
- H. Educational Background Evaluation
- I. Discrepancy Interview
- J. Summary Report of Background Investigation

A. Criminal Records Evaluation

An inquiry into the Federal Bureau of Investigation (FBI) and Department of Justice (DOJ) computerized criminal history files is the first step in checking for prior criminal activity of an applicant. The response from the inquiry may reveal criminal activity that would prohibit the applicant from being certified by the California Government Code Section 1029. Further steps such as obtaining arrest or court records, may need to be taken to confirm the applicant's identity matches the records. Identification of the subject and record can only be accomplished by fingerprint comparison. California Government Code Section 1031(c) requires each applicant employed or appointed as a peace officer with any criminal justice agency to have documentation of processed fingerprints. The fingerprints must be taken and submitted via a Live Scan device. When the prints are received they are electronically forwarded to the FBI in order to complete the state and national criminal records check. Additionally, an inquiry should be made to every city and county law enforcement agency within whose jurisdiction the applicant has resided.

In addition to a criminal records check, a request for a records check should include any case dispositions and any record of complaints ever filed against or by the applicant. Oftentimes, records checks will reveal arrests with a disposition of "case dismissed" or without a disposition listed.

The investigation should continue at this point. Arrest reports, as well as court records, should be obtained and reviewed. A careful review of all these documents is critical to determining whether an applicant has committed acts that reflect a lack of good moral character.

B. Personal History Questionnaire

Applicants will complete and submit a Personal History Questionnaire. This information will assist the background investigator in collecting personal/historical data on the applicant. The Personal History Questionnaire will consist of the following sections:

- Personal Information (Name, DOB, Address, SSN, etc.)
- Residences (All addresses where the applicant lived for the last 10 years)
- Employment (All jobs held for the last 10 years)
- Military Service (If the applicant joined the military after beginning LAFD employment)
- Education (College, trade, or vocational)
- Legal (Detainments, arrests, convictions, civil actions, and lawsuits)
- Firearms (All firearms owned and CCW permits)
- Tattoo (Descriptions and meanings)
- Family Members (Address and contact information)
- Marital Status (Contact information)
- Personal References (Address and contact information for non-relative references)

C. Neighborhood Check

The purpose of conducting a neighborhood check is to determine the reputation of the applicant, the applicant's personality, and personal conduct that may reflect positively or adversely upon the desirability of appointing or employing the individual as a peace officer. An attempt should be made by the background investigator to verify any specific information, good or bad, with multiple sources or neighbors.

D. Previous Employment History Data

In the event that an applicant has served in the LAFD for less than a decade, a comprehensive review of their employment history spanning a period of ten years shall be conducted. On the other hand, if an applicant has served in the LAFD for ten years or more, a review of their LAFD personnel file will suffice to assess their work history.

E. LAFD Personnel File Evaluation

A review of the applicant's personnel file shall be reviewed to ensure suitability for the position. The review should include accommodations, discipline records,

training records, and annual evaluations. Additionally, previous supervisors should be contacted to determine the applicant's character, work ethic, and job performance.

F. Military Service (If joined the military after LAFD employment)

Military performance is an important aspect to consider when evaluating an applicant's sense of duty, patriotism, and personal conduct for the LAFD. If the applicant has separated from the military, no further investigation is required. However, if the applicant served in a Reserve/National Guard capacity, their performance records should be reviewed, and their superior officers should be contacted for a comprehensive assessment.

G. Personal References

This phase of the background investigation focuses on procuring information from individuals who do not typically maintain an official relationship with the applicant, but can provide valuable insights. It is recommended that the investigator personally contacts and interviews all personal references to ensure the accuracy and reliability of the information obtained.

H. Educational Background Evaluation

If the applicant claimed to have graduated from a college/university on their Personal History Questionnaire, this information should be confirmed through their personnel file or official transcripts. Additionally, confirmation of any professional certification should be verified to ensure the honesty and integrity of the applicant.

I. Discrepancy Interview

Once the background investigation has been completed (or during the investigation), the investigator may become aware of additional information or inconsistencies between information the applicant has supplied in the Personal History Questionnaire and information obtained during the background investigation. In such a situation, the investigator shall schedule a discrepancy interview with the applicant to attempt to resolve questionable areas and document those findings.

J. Summary Report of Background Investigation

Upon completion of the background investigation, the investigator and section commander shall sign and date a report that summarizes the findings of the investigation. The background summary report, along with all other information gathered during the hiring process, shall be presented to a three-member panel of senior officers. The panel will assess the totality of the information gathered and

determine whether the applicant is suitable for the position.

The primary objective of conducting a background investigation is to identify qualified candidates with good moral character, as required by Section 1031(d) of the California Government Code. If the background investigation reveals any negative information about the applicant's character, further scrutiny is necessary. Evidence of current or recent illicit drug use or prior criminal activity is indicative of significant dishonesty and requires careful consideration. A suitable applicant is someone whose background indicates that they possess the qualities generally accepted for positions of public trust and confidence.

Polygraph Testing

The State of California Commission on Peace Officer Standards and Training (POST), indicates that although the specific hiring process varies from agency to agency, a prototypical peace officer selection process includes a polygraph examination. The primary purpose of these examinations is to verify the truthfulness of the information that applicants have provided to their background investigator. A polygraph is used to detect psychological indicators that someone is being deceptive while asking a series of questions. The questions are derived from a preset list of questions as well as information collected during the background examination. The exam is reviewed by both the administrator and the next-level supervisor. The results of the exam are pass-or-fail, and a member has the opportunity to take the polygraph a second time if they fail the first one. If it is failed again, then the member is disqualified from the testing process.

LAFD Departmental Review

Once both the background and the polygraph investigations are completed, the City PSS will send a notice to the LAFD Administrative Operations (AOPS) Chief Deputy. The AOPS Chief then will go to the City PSS offices to review the background and polygraph investigations the Chief Deputy will be able to meet with the background investigator and ask any questions needed to determine if the candidate should move forward in the process. The AOPS Chief is the point of contact and has administrative control over the investigation phase to ensure a non-biased investigative process. The Assistant Chief of the Homeland Security Division and the Command staff at the ACTS are excluded from the decision-making process. Once the Chief Deputy approves the member to continue, they will start the next phase of the process, which is psychological testing.

Psychological Testing

According to the California Government Code Section 1031(f), it is mandatory that all classes of public officers or employees designated by law as peace officers must be deemed free from any physical, emotional, or mental condition, including racial or ethnic bias, gender, nationality, religion, disability, or sexual orientation, that may negatively impact the execution of the powers of a peace officer. To ensure adherence to this code, the City of Los Angeles Medical Services Division administers a two-part examination. The first part of the test comprises a written examination, which is then

reviewed by a licensed psychologist. The psychologist then conducts a follow-up interview with the candidate, posing additional questions regarding the candidate's responses. After the psychological test is completed, the psychologist provides their expert opinion regarding the candidate's suitability for the position of a peace officer.

Second LAFD Departmental Review

Once the psychological assessment is completed by the Medical Services Division, the AOPS Chief Deputy again must review all documents pertaining to the background and polygraph investigations and the psychological exams. If the Chief Deputy approves the member, then they proceed to the next step in the process.

Review by the Fire Chief

When a member gets to this stage of the process, they have successfully completed all requirements to become an Arson Investigator Trainee. When a vacancy occurs in the ACTS, The Fire Chief reviews the recommendation from the AOPS Chief Deputy and requests the authority from the City to grant the pay grade advancement to the member.

Background Selection Process

The ACTS program requires candidates to undergo a time-consuming background investigation. Due to low completion rates, multiple candidates undergo background investigations simultaneously. Not all candidates who begin the background process will become Arson Investigator Trainees due to a lack of available positions. Completing the background and psychological process does not guarantee promotion into the ACTS. The order of completion of the background investigation does not dictate the order of promotion. For example, if a member that is second on the list finishes their background investigation before the member that is first on the list. The number two member may not be transferred into the ACTS if it prevents the number one person from getting a position at ACTS. If there are two vacancies then the number two member can be placed before the number one member.

Arson Investigator Trainee Assignment

Arson Investigator Trainees are assigned to Special Duty until they obtain a minimal level of knowledge obtained through a thorough orientation. The orientation consists of awareness training, firearms training, peace officer training, and document familiarization. After the orientation training, the Arson Investigator Trainees are assigned to Platoon Duty while on probation. After successful completion of their one-year probation, they will advance to Arson Investigator I. MOU23-24, Article 7.1.A states that the Fire Chief, at their sole discretion, may decide which Investigators assigned to the Arson Section will be assigned to Special Duty and which Investigators will be assigned to Platoon Duty work schedules. Investigators assigned to Special Duty will normally be assigned to a 4/10 work schedule, subject to the staffing needs of the Section. The Fire Chief may not eliminate either Special or Platoon Duty work schedules.

Fire Station 17 and Arson/Counter-Terrorism Section

The Station Captain is responsible for the safety and condition of the fire station

property, equipment, and personnel. The Station Captain reports to the Battalion Office which reports to the Bureau Commander. The Station Captain will coordinate fire station maintenance and repairs through channels to the appropriate city department for service. If the area that needs attention involves ACTS, the Station Captain will contact ACTS supervision.

Fire Station 17 is unique because personnel that are assigned to ACTS respond out of that location, but do not report to the Station Captain. ACTS personnel report to their supervisors who operate from Frank Hotchkin Memorial Training Center. ACTS personnel have an operational requirement to maintain security on pre-identified locations within the fire station. The Station Captain will contact ACTS supervision for any situation that requires access to ACTS-associated rooms, equipment, or vehicles.

CONCLUSION

Arson/Counter-Terrorism Section hiring process needs to be reviewed and approved by the LAFD executive staff.

Board Report prepared by Robert Nelson, Assistant Chief, Emergency Operations – Homeland Security Division.